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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,802	12/07/2001	John R. Fredlund	83564SLP	8932

7590 06/03/2005

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EXAMINER
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GIBBS, HEATHER D

ART UNIT	PAPER NUMBER
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2622

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/020,802	FREDLUND ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Heather D. Gibbs	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>12/07/01</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3,5-6,8,10-15,17-19, 21 rejected under 35 U.S.C. 102(e) as being anticipated by Han (US 6.608,707).

Regarding claim 1, which is representative of claim 21, Han discloses a portable imaging system transportable by a user between a first and second location for scanning an image for later production of an image product, comprising: (a) a first and second member movable between an open and closed position (Figs 1-2); (b) a scanning area disposed in either the first or second member and accessible when the system is in the open position for receiving and scanning the image to produce a digital image (Col 3 Lines 43-51; Ref 34); (c ) memory for storing the digital image (Col 3 Lines 58-60) ; and (d) a communication port adapted to transmit the digital image from the portable imaging system over a communication network to a device for later production of the image product comprising the digital image (Col 11 Lines 11-15).

Considering claim 2, which is representative of claim 18, Han teaches a display disposed in either the first or second member for displaying the digital image (Col 4 Lines 7-9).

Regarding claim 3, Han discloses an input device adapted to collect information associated with the digital image (Col 12 Lines 6-18; Ref 400).

Regarding claim 5, Han teaches software for modifying the digital image (Col 12 Lines 23-27).

Considering claim 6, Han teaches software for zooming and cropping the digital image prior to transmitting the digital image to a printer (Col 12 Lines 23-27).

Considering claim 8, Han discloses software for tracking information associated with the scanned digital image (Col 12 Lines 6-18).

Regarding claim 10, Han teaches a device for receiving audio information (Col 10 Lines 56- Col 11 Line 1).

Considering claim 11, Han discloses an input port adapted to receive a removable media comprising a digital file (Figs 1-2; Col 3 Lines 43-51).

Considering claim 12, Han teaches a second memory to provide backup storage of the digital image (Col 3 Lines 56-60).

Regarding claim 13, which is representative of claim 19, Han teaches wherein the communication port is adapted to transmit the digital image from the portable imaging system to an image producing device disposed at a retail location (Col 12 Lines 6-11).

Considering claim 14, Han discloses wherein either the first or second member includes a modulated light source for illuminating the image (Col 4 Lines 10-15; Ref 72).

Claim 15 is rejected as being representative of claims 1-14.

Claim 17 is rejected as being representative of claims 1-15.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 9,16,20 rejected under 35 U.S.C. 103(a) as being unpatentable over Han '707 in view of Butikofer et al (US 6,574,443).

Han discloses the portable imaging system as discussed above.

Han does not disclose expressly a payment mechanism for receiving payment.

Butikofer et al discloses a payment mechanism for receiving payment (Col 6 Lines 21-34).

Han & Butikofer are combinable because they are from the same field of endeavor.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Butikofer with Han.

The suggestion/motivation for doing so would have been to facilitate allowing a user to vary the quality of an output image in exchange for a variable cost, as taught by Butikofer.

Therefore, it would have been obvious to combine Han with Butikofer to obtain the invention as specified in claims 9,16,20.

### ***Claim Objections***

5. Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 4 recites the limitation "the input device" in Line 1 Page 13. There is insufficient antecedent basis for this limitation in the claim.

8. Claim 7 recites the limitation "the display" in Line 2 Page 14. There is insufficient antecedent basis for this limitation in the claim.

9.

***Conclusion***

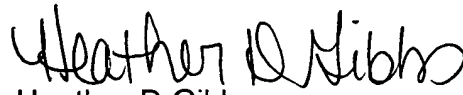
10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Heather D. Gibbs whose telephone number is 571-272-7404. The examiner can normally be reached on M-Thu 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571-272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Heather D Gibbs  
Examiner  
Art Unit 2622

hdg

  
EDWARD COLES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600